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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 TODD MICHAEL SCHULTZ,
11 Plaintiff,
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13 v.
14 MICHAEL C. THOMPSON, et al.,
15 Defendants.

No. 2:23-cv-10759-JAK (MRWx)

**ORDER RE EX PARTE REQUEST
FOR EMERGENCY INJUNCTIVE
RELIEF AND TEMPORARY
RESTRAINING ORDER FROM
MICHAEL C. THOMPSON AND
GREGORY HOLMES (DKT. 12)**

1 Based on a review of the Ex Parte Request for Emergency Injunctive Relief and
2 Temporary Restraining Order from Michael C. Thompson and Gregory Holmes (the
3 “Request” (Dkt. 12)), as well as the Complaint (Dkt. 1), which is not a model of clarity,
4 insufficient good cause has been shown for the requested relief. Therefore, the Request is
5 **DENIED**, for the following reasons.

6 *First*, Plaintiff has not provided “specific facts in an affidavit or a verified
7 complaint [that] clearly show that immediate and irreparable injury, loss, or damage will
8 result to [him] before [Defendant] can be heard in opposition” Fed. R. Civ. P.
9 65(b)(1)(A).

10 *Second*, Plaintiff has not shown a likelihood of success on any of the claims
11 presented. Although the Complaint is difficult to follow and does not list the causes of
12 action Plaintiff seeks to bring, Plaintiff appears to be trying to bring claims for copyright
13 infringement, defamation, and intentional infliction of emotional distress. Dkt. 1 ¶ 1. As
14 to defamation, the Complaint contains a list of videos allegedly created by the
15 Defendants, but the Complaint does not identify the allegedly defamatory statements, nor
16 does it contain evidence showing that they were made available to third parties, that they
17 are false, or that they constitute statements of fact rather than statements of opinion. *See*
18 *id.* ¶ 9.

19 As to intentional infliction of emotional distress, the Complaint does not contain
20 allegations showing the conduct at issue, the creation of YouTube videos, constitutes
21 outrageous conduct. Nor is there evidence to substantiate any claim that Plaintiff
22 suffered severe emotional distress. As to copyright infringement, Plaintiff has not shown
23 entitlement to a temporary restraining order because the Complaint does not contain
24 allegations that Defendants copied protectible elements from the preregistered work. Nor
25 is the scope of Plaintiff’s preregistration clear: the preregistration is alleged to be
26 covering “a work on cyberstalking and copyright infringement actually and I would like
27 to include every livestream [I’ve] ever posted on my Youtube Channels. It could end
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1 [up] being a 7-9 hour work and delivered serially, but it's a good cause and a worthy
2 subject for someone who has been put through the mill, as Judy might say." Dkt. 1 ¶ 8. It
3 is unclear whether Plaintiff's application for preregistration was timely. If not, Plaintiff
4 cannot prevail. *See, e.g.*, 17 U.S.C. § 408(f)(4). It is also unclear whether Plaintiff
5 provided adequate notice to Defendants prior to fixation of the work and whether the
6 work is or will be registered in a timely manner. *Id.* § 411(c).

7 *Third*, a request for a prior restraint on speech by a person requires the application
8 of heightened standards and other issues under the First Amendment. Plaintiff has not
9 provided any basis for a claim that any irreparable harm to him during the period that the
10 requested restraining order would be in place, would outweigh any harm to Defendants
11 for restrictions on their speech.

12 *Finally*, based on the foregoing, and in light of the present record, the public
13 interest weighs against a temporary restraining order.

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15 **IT IS SO ORDERED.**

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17 Dated: January 5, 2024



18 John A. Kronstadt

19 United States District Judge
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